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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,449	06/26/2001	Jerome Mlynarczyk	Q64931	9665

7590 11/30/2004
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Washington, DC 20037-3213

EXAMINER

RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,449

Applicant(s)

MLYNARCZYK ET AL.

Examiner

Satish S. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on for Figs. 3 and 4 on 27 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the amendment received on 08/27/2004.
2. The objection use of trademarks is withdrawn in view of applicant's amendment.
3. Claims 1-3 are amended for cosmetic changes.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by UK Patent

Application No. GB 2326255A to Kaminsky, hereinafter called Kaminsky.

Per claim 1:

Kaminsky discloses:

- A method of managing information in a distributed system including at least one local system (page 1, lines 5-8 "computer programming methods and systems... particular, to object oriented programming and methods and systems of running object oriented program on multiple computers connected by a network") ***at least and one remote system and using a remote invocation method of the JAVA language*** (page 8, line 29 "makes remote calls (using RMI)" and page 8, line 31 "calls are generated as Java RMI source"), ***said language including instructions and enabling creation of objects from classes of belonging having hierarchical***

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relations between them (page 4, lines 26-29 “programmer writes programs... object oriented language... Java... and compile the code in unlinked executable code”), *which method includes refining in the local system classes* (page 4 and 5, lines 41 and 1 “some classes Y to be executed locally”) *replicating the hierarchy of classes in the remote system* (page 5, line 1 “some class X to be executed remotely”) *and including means of access to said classes in the remote system in order to enable use in the local system of instructions specific to classes defined in the remote system* (page 4, lines 15-18 “objects are located... on the network... access those remote objects”)

Per claim 3:

Kaminsky discloses:

- A distributed information management system including at least one local system and at least one remote system (page 4, lines 20-21 “The Automatic Object Distribution (AOD)... objects will be distributed over a network”) *including a plurality of interfaces* (page 8, line 39 “to generate the interface X” Interface”, see fig. 1) *and using a remote method invocation mechanism of the JAVA language* (page 8, line 29 “makes remote calls (using RMI)” and page 8, line 31 “calls are generated as Java RMI source”), *said language including instructions and enabling creation of objects from classes of belonging* (page 4, lines 26-29 “programmer writes programs... object oriented language... Java... and compile the code in unlinked executable code”), *wherein the local system includes a "proxy" for each interface* (page 8, line 34 “the proxy X”, an interface X” Interface”) *and said proxy is defined to enable use in the local system of instructions specific to the interfaces defined in the remote system* (page 3, lines 32-37 “first

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proxy containing network linkage and indication to access said programmed methods on said second computer... second proxy containing network linkage and indication to access said programmed methods on said first computer... accessing said remote programmed methods through said proxies”)

Substantially as claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminsky, in view of, US Patent No. 6,678,715 to Ando, hereinafter called Ando.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Kaminsky did not explicitly disclose horizontal casting instruction.

However, Ando discloses in an analogous computer system having acquisition of server object making casting of an interface (col. 24, lines 62-63 “acquisition of server object (casting of interface type) ”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of casting an interface as taught by Ando into

the method of automatic object distribution as taught by Kaminsky. The modification would be obvious because of one of ordinary skill in the art would be motivated to do casting of an instruction to have dynamically switching the execution position of a process requested by client host and the server host as suggested by Ando (col. 3, lines 56-61).

Response to Arguments

8. Applicant's arguments with respect to claims 1-3 have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

(i) For claim 1 cited reference, Kaminsky, does not disclose or suggest any replicating of a hierarchy of classes.

Examiner's response:

- Regarding the limitation replicating of a hierarchy of classes, Kaminsky does provide replicating of object by identifying and determining the objects residing on the first and second computer (page 2, lines 30-40). Applicant makes general allegations and does not point out any error in the office action. Therefore, the rejection is proper and maintained herein.

In the remarks, the applicant has argued that:

(ii) For claim 2 cited references, combination of Kaminsky and Ado does not suggest or teach one of the instruction is a "horizontal casting instruction".

Examiner's response:

- Regarding the limitation one of the instruction is a “horizontal casting instruction”. It is noted that the rejection clearly points out where the combination of Kaminsky and Ado teach the claimed features and why it would have been obvious to combine their teachings. Applicant only makes general allegations do not point out any errors in the rejection. Therefore, the rejection is proper and maintained herein.

In the remarks, the applicant has argued that:

(iii) For claim 3 cited reference Kaminsky, does not disclose or suggest a local system that includes a “proxy” for each interface of a remote system.

Examiner’s response:

- Regarding the limitation a local system that includes a “proxy” for each interface of a remote system, Kaminsky does provide accessing remote programmed methods through proxies which resides locally on the computer. Applicant only makes general allegations do not point out any errors in the rejection. Therefore, the rejection is proper and maintained herein.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Satish S. Rampuria
Patent Examiner
Art Unit 2124
11/29/2004

A handwritten signature in black ink, appearing to read 'Anil Khatri', with a stylized flourish at the end.

ANIL KHATRI
PRIMARY EXAMINER